

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6131

BILL NUMBER: SB 143

NOTE PREPARED: Dec 3, 2007

BILL AMENDED:

SUBJECT: Childhood lead poisoning prevention.

FIRST AUTHOR: Sen. Gard

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ___ **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Pending

Summary of Legislation: This bill specifies certain requirements for, the State Department of Health, local health departments, residential rental property owners, child care providers, and retail establishments related to childhood lead poisoning prevention.

State Department of Health Requirements: The bill requires the ISDH to adopt rules to establish a lead-safe work practices training program for contractors, renovators, and remodelers.

Laboratory Requirements: This bill specifies the complete information that laboratories that examine blood for the presence of lead must report to the Indiana State Department of Health. It further provides that if a laboratory fails to provide the complete information after notification, the ISDH may assess a civil penalty against the laboratory in the amount of \$2,500 for each incomplete report submitted after the notification.

The bill establishes the nonreverting Childhood Lead Poisoning Prevention Fund for outreach and prevention activities. The Fund consists of civil penalties assessed against laboratories, gifts, and appropriations.

Lead-Safe Housing Advisory Council: The bill establishes the 20 member, Lead-Safe Housing Advisory Council (Council) to advise the ISDH with regard to housing related lead poisoning prevention activities. The Council is required to meet quarterly and is to submit no later than April 1, 2009, specified recommendations to the Governor and the Legislative Council. The Council is to be staffed by the ISDH. Expenses of the Council are to be paid by the ISDH. Members are not eligible for Salary per diem: travel expenses are reimbursable.

Child Care Provisions: The bill requires that licensed or registered child care providers, or child care providers that receive Child Care Development Fund Block Grant voucher payments that are located in a

building built before 1978, must have an annual licensed assessment for lead hazards. If a lead hazard is found, children must be kept out of the lead hazard area until remediation is completed and the area is determined to be hazard free. The bill also requires parents of children over the age of 9 months provide proof of a blood lead level test before enrollment with a child care provider. The bill also requires a child care provider or at least one employee have training with regard to lead hazards.

Residential Rental Property Owner Requirements: The bill requires the owner of a housing unit determined to be the cause of elevated blood lead levels in an individual to submit a remediation plan to the state or local health department for approval. The bill specifies that the remediation plans must: (1) provide for the remediation of the lead hazard; (2) include a clearance examination after remediation is completed; and (3) provide for subsequent annual clearance examinations. The bill provides that the owner must complete the remediation within 90 days of the plan approval with certain exceptions. The bill provides that the owner is responsible for making certain housing provisions for tenants during the remediation. It prohibits an owner from taking certain retaliatory actions against a tenant for reporting the presence of lead hazards. The bill would require the owner of a rental housing unit built before 1978, to have a lead-based paint inspection performed by a licensed inspector before specified actions or dates. The bill further provides that the presence of lead-based paint is considered to be a property defect and is subject to the Responsible Property Transfer Law.

Retail Establishment Requirements: The bill specifies certain requirements for retail establishments that sell paint or painting products or certain consumer products.

The bill provides that retail establishments that recklessly, knowingly, or intentionally violate consumer product provisions in the bill commit a Class A misdemeanor.

The bill also makes conforming amendments. (The introduced version of this bill was prepared by the Health Finance Commission.)

Effective Date: Upon passage.

Explanation of State Expenditures: *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

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